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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,403	05/16/2001	John K. Collings III	M004.P001U1	2462
25854	7590	10/03/2005	EXAMINER	
BRYAN W. BOCKHOP, ESQ. 2375 MOSSY BRANCH DR. SNELLVILLE, GA 30078			VU, THONG H	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,403

Applicant(s)

COLLINGS, JOHN K.

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 2-26 are pending. Claims 1,27-65 are canceled.

Response to Arguments

2. Applicant's arguments with respect to claims 2-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. Claim 6 contains the negative limitation.

Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), *aff'd mem.*, 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation which does not have basis in the original disclosure should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Note that a lack of literal basis in the specification for a negative limitation may not be sufficient to establish a *prima facie* case for lack of descriptive support. *Ex parte Parks*, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993). See MPEP § 2163 - § 2163.07(b) for a discussion of the written description requirement of 35 U.S.C. 112, first paragraph.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2-26 are rejected under 35 U.S.C. § 103 as being unpatentable over Ahmed [6,647,432 B1] in view of Hogan [5,566,339].

5. As per claim 6, Ahmed discloses a method comprising the steps of:

a. transmitting from a central computer at a central notification processing center [Ahmed, server, Fig 6] to a first individual, a first data packet that includes a first event code, the first event code corresponding to a first event [Ahmed, the first client application or first user, a set of events, the second client application or second user, col 4 line 15-col 5 line 22; event code, col 41 liners 20-67; a not-automatically receipt confirmed transmission medium or user collection, Fig 19];

b. upon receiving, by the central computer, a response communication from the first individual, transmitting a request from the central computer to the first individual requesting that the first individual respond with the first event codes [Ahmed, the first client application or first user, a set of events, the second client application or second user, col 4 line 15-col 5 line 22; event code, col 41 liners 20-67];

c. if the first individual responds by transmitting the first event codes then identifying the event from the first event codes [Ahmed, event code, col 41 liners 20-67];

d. transmitting from the central computer instructions relating to the event to the first individuals [Ahmed, transmitted from server to client application, col 21 lines 1-28];

e. transmitting from the central computer to a second individual, a second data packet that includes a second event code, the second event code corresponding to the first event [Ahmed, transmitted from server to client application, col 21 lines 1-28];

f. upon the central computer receiving a response communication from the second individual, requesting that the second individual respond with the second event code [Ahmed, event code, col 41 lines 10-col 42 line 45];

g. identifying with the central computer the first event and the second individual from the second event code [Ahmed, identifies application 1 and application 2 with event X, col 16 lines 28-50];

h. if the step of transmitting instructions relating to the first event to the first individual has been completed prior to the central computer receiving a response communication from the second individual, then transmitting from the central computer to the second individual an indication that the second individual is not required to respond to the first event [Ahmed, prevent any of selected set of event data message, col 5 lines 24-36; prevent reception, col 46 lines 14-24]

An Official Notice is taken that the concept of the first person response to event then the second person would not require to response to the event, was well-known as the CB radio communications or interruption request in computer environment.

However Ahmed does not explicitly detail "via a not-automatically receipt confirmed transmission medium"

A skill artisan would have motivation to improve the Ahmed's apparatus would looked into the event notification art and found Hogan teaching.

In the same endeavor, Hogan discloses a call conferencing system including an event message wherein the call must be transfer to a human operator at a manual

operator console [Hogan, event message, col 13 lines 59; a manual operator console col 14 lines 55-67].

Therefore it would have been obvious to an ordinary skill in the art at the time of the invention was made to incorporate the technique of using a manually receipt confirmed transmission medium as taught by Hogan into the Ahmed's apparatus in order to utilize event notification process. Doing so would provide a flexibility and security process to response to the event/alert notification on the network environment.

6. As per claim 2, Ahmed-Hogan disclose using the central computer to identify the first individual from the first event code [Ahmed, event code, col 41 lines 10-col 42 line 45].

7. As per claim 3, Ahmed-Hogan disclose using the central computer to identify the first individual from a caller identification data packet received from a telephone [Hogan , a call conferencing system, abstract]

8. As per claim 4 Ahmed-Hogan disclose the first event comprises all alarm at a selected location [Hogan, scheduler database, col 13 lines 54-67].

9. As per claim 5, Ahmed-Hogan disclose using the central computer to identify maintain a record of the telephone call received from the first individual [Hogan, a call conferencing system, abstract].

10. As per claim 7, Ahmed-Hogan disclose the instructions include directions to a location of the first event [Hogan, set up the conference call, col 14 lines 46-67].

11. As per claim 8, Ahmed-Hogan disclose using the central computer to select the first individual from a plurality of individuals based upon a pre-selected set of criteria [Hogan, set up the conference call, col 14 lines 46-67].

12. As per claim 9, Ahmed-Hogan disclose the pre-selected set of criteria include at least one of the following:

a. who of the plurality of individuals is currently on duty; b. who of the plurality of individuals is closest to a location of the first event; c. who of the plurality of individuals is currently not assigned to another event; and d. who of the plurality of individuals is most capable of responding to the first event as inherent features of the persons schedule to be notified of the alert [Hogan, set up the conference call, col 14 lines 46-67].

13. As per claim 10, Ahmed-Hogan disclose transmitting to a local facility an indication that the first event has occurred as inherent feature of a mobile switching center [Hogan, set up the conference call, col 14 lines 46-67].

14. As per claim 11, Ahmed-Hogan disclose displaying information relating to the first event on a site accessible to a user via a global computer network [Hogan, set up the conference call, col 14 lines 46-67].

15. As per claim 12, Ahmed-Hogan disclose the information includes a graphical display of a location of the first event as inherent feature of video conference.

16. As per claim 13, Ahmed-Hogan disclose the information includes a graphical display of a nature of the first event.

17. As per claim 14, Ahmed-Hogan disclose the information includes a graphical display of a current location of the first individual as inherent feature of video conference.

18. As per claim 15, Ahmed-Hogan disclose using the central computer to verify that the first individual has responded to the first event by reading a personal identification of the first individual [Hogan, conference ID, col 1 3lines 21-67].

19. As per claim 16, Ahmed-Hogan disclose reading a personal identification apparatus at a location of the first event and transmitting data resulting from the reading of the personal identification apparatus to the central computer [Hogan, conference ID, col 1 3lines 21-67]

20. As per claim 17, Ahmed-Hogan disclose the verifying comprises the step of reading biometric data at a location of the first event and transmitting data resulting from the reading of biometric data to the central computer as inherent feature of conference ID.

21. As per claim 18, Ahmed-Hogan disclose activating a service mode upon completion of the verifying step, wherein the first event occurs at a first location and wherein the service mode causes a pre-selected set of subsequent events occurring at the first location to be ignored by the central computer [Ahmed, server not involved in the event, col 14 lines 16-57].

22. As per claim 19, Ahmed-Hogan disclose activating a service mode upon completion of the verifying step, wherein the first event occurs at a first location and wherein the service mode causes a pre-selected set of pending events occurring at the first location to be ignored by the central computer [Ahmed, server not involved in the event, col 14 lines 16-57]

23. As per claim 20, Ahmed-Hogan disclose instructing the first individual to follow a procedure to indicate acceptance of responsibility for the first event by the central computer [Ahmed, register interest, col 14 lines 58-67].

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24. As per claim 21, Ahmed-Hogan disclose depressing a pre-selected button on a telephone handset [Hogan, a call conferencing system, abstract]

25. As per claim 22, Ahmed-Hogan disclose transmitting from the central computer a description of the first event to the first individual [Ahmed, select event information, col 13 lines 29-64].

26. As per claim 23, Ahmed-Hogan disclose the transmitting from the central computer at least one instruction to the first individual as to how the first individual is to respond to the first event [Ahmed, select event information, col 13 lines 29-64].

27. As per claim 24, Ahmed-Hogan disclose a plurality of events occurs at a location and wherein if the first individual responds to the first event then the central computer recognizes that the first individual accepts responsibility for each of the events of the plurality of events [Ahmed, select event information, col 13 lines 29-64].

28. As per claim 25, Ahmed-Hogan disclose allowing the first individual to selectively accept responsibility for each of the events of the plurality of events [Ahmed, select event information, col 13 lines 29-64].

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29. As per claim 26, Ahmed-Hogan disclose receiving acceptance for the secondary event when the first individual indicates acceptance by the central computer for the first event [Ahmed, select event information, col 13 lines 29-64].

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-US 6842774 B1, Method and system for situation tracking and notification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Patent Examiner
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